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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,827	10/29/2001	Jason R. Thompson	D5110	5624

7590 04/23/2003
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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,827

Applicant(s)

THOMPSON ET AL.

Examiner

Laura B Rosenberg

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on November 20, 2002. These drawings are objected to because it is unclear how pivot bolt 25 can extend through pivot structures 26 of each support component 13, as disclosed on the top of page 7 of the specification. In addition, the drawings are objected to as failing to comply with 37 CFR 1.83(a) because they fail to show pivot structure 26 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: reference character "26" has been used to designate both a pivot structure and a threaded stud. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3616

4. Claims 6-11 and 23-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "its" used in claims 6 and 23 is indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rawlinson (5,100,093). In regards to claim 1, Rawlinson discloses a universal accessory-mounting assembly for supporting an accessory (#20) at a distance from a base structure (#43) to which the universal accessory-mounting assembly may be attached, comprising two support components (#55) having a base end (shown in figure 5) and an accessory-support end (end near #35 shown in figures 3, 4). Each support component has its accessory-support end engaged indirectly to the accessory-support end of the other support component (best seen in figures 1-3). The assembly further comprises two independent base-attachment structures (figure 5) engaged to a base end of each support component, wherein each of the base-attachment structures comprises means for securing it to the base structure (figure 5) and the base-attachment structures are biaxially pivotally engaged to the base end of each support

Art Unit: 3616

component by a ball-and-socket joint (figure 5; column 5, lines 4-35). The assembly comprises an accessory-attachment structure (#33, 35) to which the accessory may be mounted, wherein the accessory-attachment structure is engaged directly to and comprises respective accessory-support ends of the support components (best seen in figures 3, 4; column 5, lines 19-22).

In regards to claim 2, Rawlinson discloses no base-attachment structures being engaged to a base end of a support component in a manner other than being biaxially pivotally engaged through a ball-and-socket joint (embodiment shown in figure 5).

In regards to claim 12, Rawlinson discloses all of the base-attachment structures being biaxially pivotally engaged to a base end of the support components through a ball-and-socket joint (figure 5; column 5, lines 4-35).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murgas (3,395,883) in view of Rawlinson (5,100,093). In regards to claim 1, 2, 5, 10, 12, 13, 16-19, 22, 27, 29, 30, 33, and 34, Murgas discloses a universal accessory-mounting assembly for supporting an accessory (#10) at a distance from a base structure (#39) to which the universal accessory-mounting assembly may be attached,

Art Unit: 3616

comprising three support components (#16, 20, 28) having a base end (near #23, 42) and an accessory-support end (near #12, 26, 32). Each support component has its accessory-support end engaged to the accessory-support end of the other support components (via #26, 32). The assembly further comprises three independent base-attachment structures (#34, 36) engaged to a base end of each support component, wherein each of the base-attachment structures comprises means for securing it to the base structure (stepped hood feet and a fender foot). The assembly comprises an accessory-attachment structure (#12 and connection between #10 and #12) to which the accessory may be mounted, wherein the accessory-attachment structure is engaged directly to (#16) and indirectly to (#20, 28) and comprises one of the accessory-support ends (#12, 16) of the support components. The specifics of the vehicle, including the frame structure(s), suspension system, and body structure(s) are inherent and are not specifically pointed out. Murgas does not disclose the base-attachment structures being biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint. Rawlinson teaches a universal accessory-mounting assembly for supporting an accessory (#20) at a distance from a base structure (#43), comprising two support components (#55) having a base end (shown in figure 5) and an accessory-support end (end near #35 shown in figures 3, 4). Each support component has its accessory-support end engaged to the accessory-support end of the other support component (best seen in figures 1-3). The assembly further comprises two independent base-attachment structures (figure 5) engaged to a base end of each support component, wherein each of the base-attachment structures

Art Unit: 3616

comprises means for securing it to the base structure (figure 5) and the base-attachment structures are biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint (figure 5; column 5, lines 4-35). The assembly comprises an accessory-attachment structure (#33, 35) to which the accessory may be mounted, wherein the accessory-attachment structure is engaged to and comprises respective accessory-support ends of the support components (best seen in figures 3, 4; column 5, lines 19-22). It would have been obvious to one skilled in the art at the time that the invention was made to modify the base-attachment structures of Murgas such that they were biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint as claimed in view of the teachings of Rawlinson so as to make the assembly adaptable to vehicles with different base structure designs (Rawlinson: column 5, lines 24-27).

In regards to claims 3, 4, 7, 14, 15, 20, 21, 24, 31, and 32, Rawlinson discloses three support components (#16, 20, 28) being engaged to each other in such a manner that they are selectively movable relative to each other, the three support components being uniaxially pivotally engaged to each other and their orientations being uniaxially pivotally adjustable relative to each other (column 2, lines 20-21, 25-28).

In regards to claims 6 and 23, Murgas discloses the assembly including structure which can be utilized to selectively secure each support component's orientation relative to the other support components (via adjustment of bolts and nuts #24, 30).

In regards to claims 8 and 25, Murgas discloses each axis (axes are through bolts #24, 30) about which each support component is pivotal relative to the other

support components being disposed at an angle to all other axes about which the other support components are pivotal (best seen in figure 2).

In regards to claims 9 and 26, Murgas discloses each of the base attachment structures (#34, 36) comprising a mounting pad (curved portion of #34 and stepped portions of #36) which has a flat mounting-face which is firmly pressed against the base structure when the assembly is mounted to the base structure (best seen in figure 3).

In regards to claims 11 and 28, Murgas discloses the support components being relatively long, thin members of unitary construction (best seen in figure 2).

In regards to claims 35, 37, and 39, Murgas discloses the accessory being a mirror (#10).

In regards to claims 36, 38, and 40, Murgas discloses the body structures including a cab and an engine compartment hood (#39) disposed in front of the cab, the base structure to which the assembly is mounted being the engine compartment hood, the assembly being mounted at a forward end of the engine compartment hood, and the accessory that is mounted to the assembly being a mirror, a reflecting surface of which is at least partially directed toward the cab such that a driver of the vehicle can view images of areas in front, beside, or behind the vehicle in the reflecting surface of the mirror (best seen in figure 1).

9. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's prior art in view of Rawlinson (5,100,093). In regards to claim 1, 2, 5, 10, 12, 13, 16-19, 22, 27, 29, 30, 33, and 34, the prior art discloses a universal accessory-

Art Unit: 3616

mounting assembly (figure 3; pages 1-3) for supporting an accessory at a distance from a base structure to which the universal accessory-mounting assembly may be attached, comprising three support components (#13) having a base end (#14) and an accessory-support end (#15). Each support component has its accessory-support end engaged to the accessory-support end of the other support components (figure 3). The assembly further comprises three independent base-attachment structures (#17-19) engaged to a base end of each support component, wherein each of the base-attachment structures comprises means for securing it to the base structure (#26). The assembly comprises an accessory-attachment structure (#23) to which the accessory may be mounted, wherein the accessory-attachment structure is engaged directly to (middle #15) and indirectly to (left and right #15) and comprises one of the accessory-support ends (middle #15) of the support components. The specifics of the vehicle, including the frame structure(s), suspension system, and body structure(s) are not specifically pointed out. However, the applicant discloses that the prior art accessory mounting assembly is an example of "accessory-mounting assemblies for mounting accessories at a distance from a base structure such as a body structure of a vehicle" (page 1, paragraph 0001), similar to the vehicle of the claimed invention. In addition, the prior art does not disclose the base-attachment structures being biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint. Rawlinson teaches a universal accessory-mounting assembly for supporting an accessory (#20) at a distance from a base structure (#43), comprising two support components (#55) having a base end (shown in figure 5) and an accessory-support end (end near #35 shown in

Art Unit: 3616

figures 3, 4). Each support component has its accessory-support end engaged to the accessory-support end of the other support component (best seen in figures 1-3). The assembly further comprises two independent base-attachment structures (figure 5) engaged to a base end of each support component, wherein each of the base-attachment structures comprises means for securing it to the base structure (figure 5) and the base-attachment structures are biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint (figure 5; column 5, lines 4-35). The assembly comprises an accessory-attachment structure (#33, 35) to which the accessory may be mounted, wherein the accessory-attachment structure is engaged to and comprises respective accessory-support ends of the support components (best seen in figures 3, 4; column 5, lines 19-22). It would have been obvious to one skilled in the art at the time that the invention was made to modify the base-attachment structures of the prior art such that they were biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint as claimed in view of the teachings of Rawlinson so as to make the assembly adaptable to vehicles with different base structure designs (Rawlinson: column 5, lines 24-27).

In regards to claims 3, 4, 7, 14, 15, 20, 21, 24, 31, and 32, the prior art discloses three support components (#13) being engaged to each other in such a manner that they are selectively movable relative to each other, the three support components being uniaxially pivotally engaged to each other and their orientations being uniaxially pivotally adjustable relative to each other (figure 3).

Art Unit: 3616

In regards to claims 6 and 23, the prior art discloses the assembly including structure which can be utilized to selectively secure each support component's orientation relative to the other support components (via #25).

In regards to claims 8 and 25, the prior art discloses each axis (axis through #25) about which each support component is pivotal relative to the other support components being disposed at an angle to all other axes about which the other support components are pivotal (figure 3).

In regards to claims 9 and 26, the prior art discloses each of the base attachment structures (#17-19) comprising a mounting pad (#18) which has a flat mounting-face (#19) which is firmly pressed against the base structure when the assembly is mounted to the base structure.

In regards to claims 11 and 28, the prior art discloses the support components being relatively long, thin members of unitary construction (figure 3).

In regards to claims 35-40, the prior art does not specifically disclose the accessory being a light, antenna, or mirror, nor does it disclose the specific features of the vehicle to which the assembly is mounted. However, the applicant implies that the primary difference between the prior art assembly and the assembly of the present invention is the biaxially pivotal ball-and-socket base attachment structure. Thus, the prior art has the same structural features as the claimed invention with the exception of the base-attachment structures.


Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Edwards et al., Gernhardt et al., Willfert, Nelson, Lopez et al., Jitsumori, Schmidt et al., Strauss, Hook, Lee et al., and Morell et al. disclose accessory mountings and/or ball-and-socket connections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Thursday, alternating Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached at (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


LBR
April 18, 2003


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